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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,786	07/03/2003	Frederick Thomas Pearson		7005

7590

09/25/2006

Kent R. Moore  
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10128 Rolling Wind Drive  
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EXAMINER
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CLEMENT, MICHELLE RENEE

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/613,786	<b>Applicant(s)</b> PEARSON, FREDERICK THOMAS	
	<b>Examiner</b> Michelle (Shelley) Clement	<b>Art Unit</b> 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-9,12 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) 1,3,4,6-9 and 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US Patent # 6,091,597) and Larsen et al. (US Patent # 3,362,711) and Henderson et al. (US Patent # 3,998,459). Lin discloses a shock device comprising a first tube section (reference 4 and 5A) comprising a power source (column 3, lines 10-14) electrically connected to a high voltage generator, a first tube section (reference 5B) having a base section and a distal end, at least one additional tube section (references 5B and 5C) having a proximal end and a distal end and being disposed within the first tube section (column 3, lines 14-25), the proximal end of the at least one additional tube section having an outer diameter that is larger than the inner diameter of the distal end of the first tube section (Figures 10A and 11) and having a connection means to connect to the first tube section, said distal end comprising a conductive probe (references 53, 53' or 121), for delivering a high-voltage shock, electrically connected to the output of the high voltage generator (column 3, lines 1-25), and deployment means (column 3, lines 14-20) to extend the at least one additional tube section from its position as being disposed within the first tube section to an extended position the proximal end of the at least one additional tube section frictionally connects to the distal end of the first tube section (Figures 10A and 11). The device comprising

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a first conductive lead (references 51 and 51' and 121(+ & -)), placed along the length of the exterior of the first tube section, electrically connected to the output of the circuit. The device further comprising a second conductive lead being placed along the length of the exterior of the at least one additional tube section (references 52 and 52' and 121 (+ and -)). The conductive probe is electrically connected to the output of the circuit through the first conductive lead (column 3, lines 14-65). Although Lin does not expressly disclose the high voltage generator comprising a voltage step-up circuit having an output of stepped-up voltage relative to the power source, Henderson et al. does. Henderson et al. teaches that it is well known to use a step-up transformer to convert a direct low voltage source to a high voltage (column 2, lines 9-25) for use in shocking devices. Lin and Henderson et al. are analogous art because they are from the same field of endeavor: electric shocking devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the step-up transformer as taught by Henderson et al. with the shock device as taught by Lin. The suggestion/motivation for doing so would have been to obtain a shocking device that would work on easily obtain low-voltage batteries. Although it appears that the end of the structure of Lin composed of an electrically conductive material, Lin does not expressly disclose the end comprising a conductive probe, Larsen et al. does. Larsen et al. teaches a shock device with electric shock means comprising electrically conductive leads along the length of a tube section and electrically conductive probes (reference 32a and 32b) at the end of the structure for delivering a high-voltage shock. Lin and Larsen et al. are analogous art because they are from the same field of endeavor: electric shocking devices. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the end conductive probes as taught by Larsen et al. with the

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device as taught by Lin and modified by Henderson et al. The suggestion motivation for doing so would have been to obtain an electric shock device that could be used with increased efficiency as a weapon in hand-to-hand fights as suggested by Larsen et al.

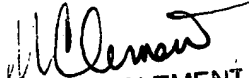
***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eccles (US Patent # 6,963,480).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Clement whose telephone number is 571.272.6884. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571.272.6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
MICHELLE CLEMENT  
PRIMARY EXAMINER